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November 4, 2004

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Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

### **Re: Ex Parte Notice**

Amendment of Part 22 of the Commission's Rules to Benefit the  
Consumers of Air-Ground Telecommunications Services  
WT Docket No. 03-103

Dear Ms. Dortch:

On November 3, 2004, Gerald Knobloch, President and Chief Executive Officer of Space Data Corporation ("Space Data"), Eric Schimmel, a Director of Space Data, Jennifer L. Kostyu and the undersigned of Morrison & Foerster LLP, on behalf of Space Data, met with members of the Office of the Bureau Chief of the Wireless Telecommunications Bureau ("WTB"), the Mobility Division of the WTB, and the Office of Engineering and Technology, regarding the above-referenced proceeding. A list of those present at the meeting is attached.

The parties discussed various licensing approaches that have been proposed for the air-to-ground ("ATG") spectrum band. Space Data explained why the assignment of two exclusive licenses, rather than one 4 MHz license or two overlapping licenses, would best serve the public interest and the development of a competitive ATG market. Space Data noted that assigning a single exclusive 4 MHz license would perpetrate the existing monopoly in the ATG market and result in the inefficient use of limited ATG spectrum. Space Data recommended instead that the Commission assign two exclusive licenses. Space Data argued that, given the limited amount of ATG spectrum, meaningful competition in the ATG market would be possible only if the Commission prohibited one licensee (or affiliated licensees) from holding both exclusive ATG licenses.

# MORRISON & FOERSTER LLP

Marlene H. Dortch  
November 4, 2004  
Page Two

The parties also discussed the need for guard bands between the ATG and adjacent spectrum bands. Space Data urged the Commission to examine thoroughly any guard band requirements to ensure that limited ATG spectrum is put to its maximum use. Space Data also relied upon the arguments set forth in the attached PowerPoint presentation during the meeting.

Pursuant to Section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed with the office of the Secretary. If you have any questions regarding this notification, please contact the undersigned.

Very truly yours,

/s/ Cheryl A. Tritt

Cheryl A. Tritt  
*Counsel to Space Data Corporation*

## Attachments

cc: Peter Tenhula  
David Furth  
Gregory Vadas  
Roger Noel  
Kathy Harris  
Richard Arsenault  
Thomas Derenge  
Jay Jackson  
Julius Knapp  
Jim Schlichting

# MORRISON & FOERSTER LLP

Marlene H. Dortch  
November 4, 2004  
Page Three

## Meeting Participants

Peter Tenhula	WTB – Office of the Bureau Chief
David Furth	WTB – Office of the Bureau Chief
Gregory Vadas	WTB – Office of the Bureau Chief
Roger Noel	WTB – Mobility Division
Kathy Harris	WTB – Mobility Division
Richard Arsenault	WTB – Mobility Division
Thomas Derenge	WTB – Mobility Division
Jay Jackson	WTB – Mobility Division
Julius Knapp	Office of Engineering and Technology
Jim Schlichting	Office of Engineering and Technology